

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-11418-NMG

ANDREW CHMIELINSKI
Plaintiff

v.

**COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE COMMISSIONER OF PROBATION
and COMMONWEALTH OF MASSACHUSETTS
TRIAL COURT and JOHN J. O'BRIEN, INDIVIDUALLY
and ANTHONY J. SICUSO, INDIVIDUALLY
Defendants**

**PLAINTIFF'S ASSENTED TO MOTION FOR FOURTEEN DAY EXTENSION OF
TIME IN WHICH TO FILE OPPOSITION TO MOTION TO DISMISS**

Plaintiff Andrew Chmielinski, through counsel, hereby respectfully requests that he be allowed an extension of time of fourteen days, up to and including April 26, 2006, in which to file an opposition to the motion to dismiss filed by Defendants in this action. Counsel for Defendants has authorized Counsel for Plaintiff to state that he assents to this motion. As grounds for this motion, Plaintiff states as follows:

1. This is an action in which Plaintiff claims that his civil rights were violated contrary to 42 U.S. Code section 1983. Defendants have filed a motion to dismiss Plaintiff's claims, asserting a number of legally complex defenses.
2. At the scheduling conference in this action, the Court ordered that any opposition to the motion to dismiss be filed thirty days after the filing of the motion to dismiss.
3. The motion to dismiss was initially scheduled to be filed on February 28, 2006. In response to an unopposed motion from Defendants, Defendants were allowed an additional time period of fourteen days in which to serve their motion to dismiss.
4. The motion to dismiss was served on March 13, 2006. Under the schedule established by the Court, any opposition to the motion would be due by April 12, 2006.

5. Counsel for Plaintiff has been involved in preparing for a jury trial scheduled to start on May 1, 2006, and will be involved in numerous depositions the remainder of this week and early next week. Due to the litigation schedule of counsel for Plaintiff since March 13, 2006, as well as the complex nature of the issues presented by the motion to dismiss, counsel is requesting an extension of time of fourteen days in which to submit his opposition to the motion to dismiss, up to and including April 26, 2006.
6. Counsel for Defendants has authorized Counsel for Plaintiff to state that he assents to this motion.

For all of the foregoing reasons, it is respectfully requested that Plaintiff be allowed an extension of time of fourteen days, up to and including April 26, 2006, in which to file his opposition to the motion to dismiss.

ANDREW CHMIELINSKI

By his attorney,

/s/Mitchell J. Notis

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